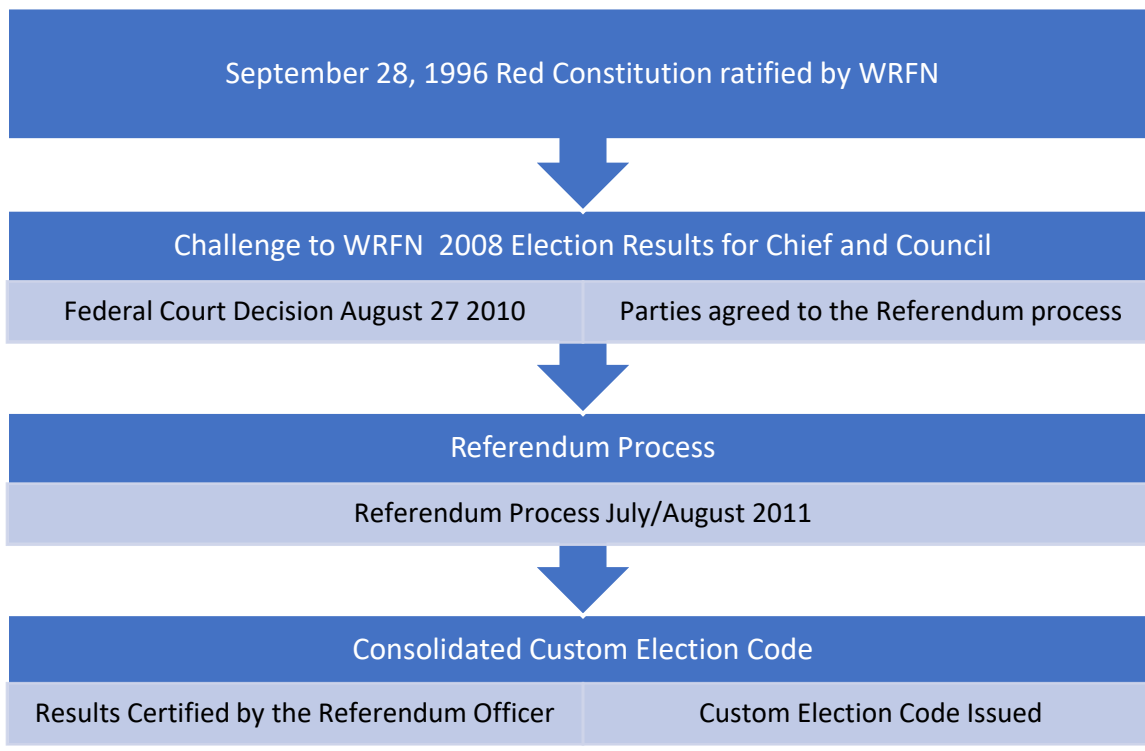


IMPORTANT QUESTIONS AND ANSWERS [F. Lemphers-Revised October 9, 2022]

Q.1 HOW DID WRFN get to the situation today in 2022, with the Consolidated Custom Election Code and the Red Constitution?



A.1 The process outlined above started with the adoption of the 1996 Red Constitution in Sept. 1996. In 2008, WRFN election results for Chief were challenged, and proceeding to a Federal Court Decision in 2010.

The parties to the court case agreed on a referendum process to resolve the issue. The exact wording from the Court decision on page 10 of the decision, is below.

ORDER

UPON motion by the Respondents for a reference pursuant to section 18.3 of the Federal Courts Act for a hearing and determination of the following question of law:

Will the proposed referendum process described in the Agreed Statement of Facts attached hereto as Schedule A be a legally effective and valid method for ascertaining the “broad consensus” of the membership of the White River First Nation (“WRFN”) that is necessary to determine voter eligibility rules and

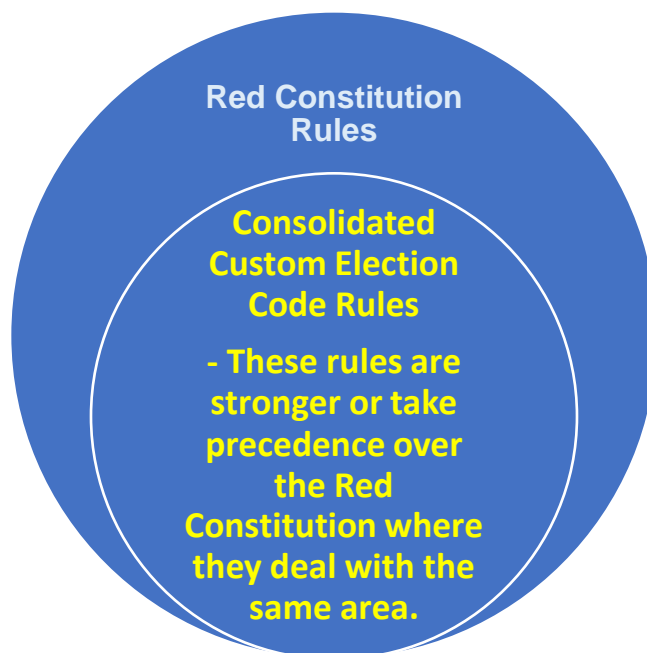
certain voting procedures for future custom elections for WRFN's Chief and Council, in accordance with paragraph (b) of the definition of "council of the band" under section 2(1) of the Indian Act and the decisions of this Court in McLeod Lake Indian Band v. Chingee (1998), 165 D.L.R. (4th) 358 and Awashish v. Opitciwan Atikamekw Band Council, 2007 FC 765?

THIS COURT ORDERS that:

- 1. The answer is "yes".***
- 2. Further directions as to the timing of the reference and other details pertaining thereto are to be sought from Prothonotary Lafrenière as case manager.***
- 3. There shall be no order as to costs.***

As a result, a referendum was held in 2011. The Consolidated Custom Election Code was certified as a result of the referendum process. [see next question for more detail]

Q.2] WHICH RULES ARE STRONGEST the CONSOLIDATED CUSTOM ELECTION CODE or the RED CONSTITUTION?



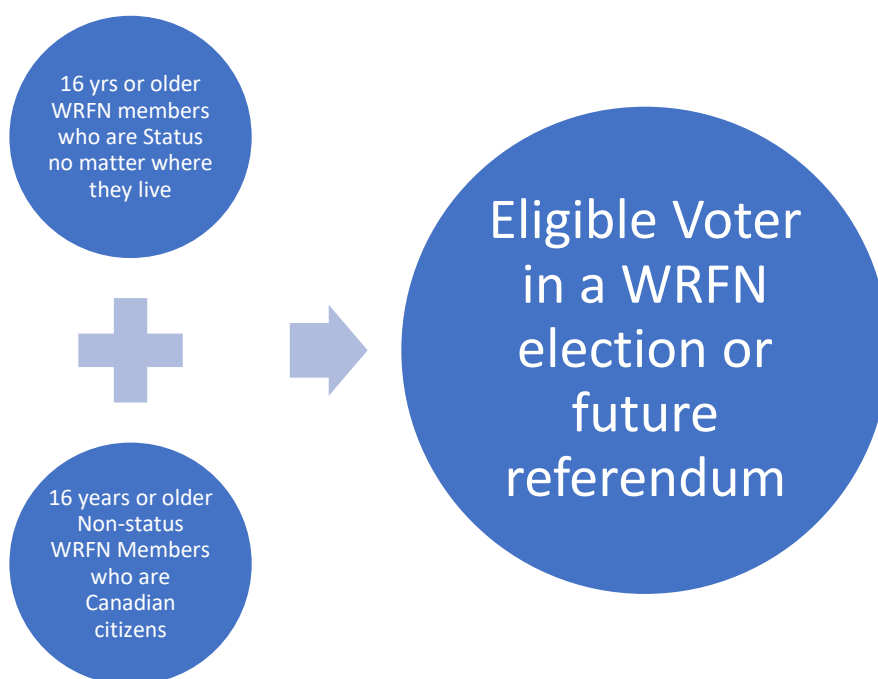
A.2 “This Consolidated Custom Election Code has been certified by Barry Stuart, the Referendum Officer for the July/August 2011 White River First Nation Referendum, as reflecting the consensus of the First Nation’s membership that was established through that Referendum process to change the rules previously recorded in the “Red Constitution” of 1996 for electing the First Nation’s Chief and Council.

Pursuant to the August 27, 2010 decision of the Federal Court in File No. T-1080-08 (2010 FC 854), the following rules now take precedence over the provisions of Articles 6.1 to 6.4 and 7.1 to 7.13 of the Red Constitution governing the conduct of elections for Chief and Council:” **[Page 1 Election Code]**

Q.3 Who is an eligible WRFN voter?

A.3 The referendum established a consensus that the following WRFN members (16 years of age or older) will be eligible to vote in the Fall 2011 election for Chief and Council, and in **future Chief and Council elections, at General Assemblies, and in any future referendum:**

- WRFN members who hold status under the *Indian Act*, no matter where they live and no matter what national citizenship they may have (including anyone who applies for and is granted status under Bill C-3); and
- non-status members of WRFN who are Canadian citizens, no matter where they live.



Q.4 Who is eligible to run for office?

Who is eligible to run for office as Chief or a Councillor at WRFN?

Resided in WRFN Traditional Territory 6 months prior to nomination

Not been convicted of an indictable offence

Has not resigned from an elected FN position within the last 3 years and without justifiable cause

18 years old and a Member of WRFN.

Is not under court order not to hold an office

A.4 Extract from Consolidated Custom Election Code: [Page 4]

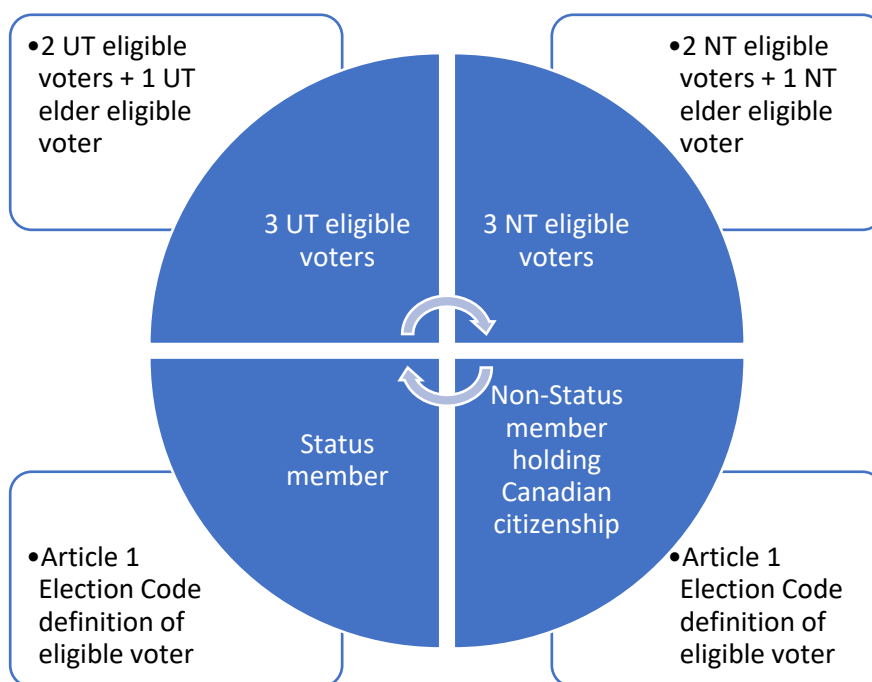
4.2 “Only Members who are 18 years of age or older shall be eligible for nomination for election as Chief or as a Councillor.

4.3 A Member may serve as a Chief or Councillor if he or she

- (a) has resided in the First Nation’s Traditional Territory at least six months prior to nomination,
- (b) has not been convicted of an indictable offence within three years before nomination,
- (c) has not resigned from an elected First Nation position within three years before nomination and without justifiable cause, and
- (d) is not under court order not to hold an elected office. “

Q.5 WHO should be on the WRFN CONSTITUTION REVISION WORKING GROUP in 2022?

A.5 To follow the direction which has already been given by your Election Code, the representatives appointed to the committee should be **eligible UT and NT voters** and the Chief. The Chief position is there because that position is decided upon by all eligible voters.



“Eligible Voter” means a person 16 years of age or older as of the date of an election, who is either

- (a) a Status Member, or
- (b) a Non-Status Member holding Canadian citizenship;